

Remarks

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 1, 32, 33, 35, 39, 41, 44, 49, and 51 are amended.

Claims 27, 29-31, 36, 40, 42, 48, and 50 are cancelled without prejudice.

Claims 52 and 53 are added. No new matter is believed entered.

As an initial matter, Applicant notes with appreciation the indication of allowability of claims 36 and 40, if rewritten to overcome the rejections under 35 U.S.C. § 112 and in independent form to include all of the limitations of the base claim and any intervening claims. As such, claims 36 and 40 have been cancelled, and new independent claims 52 and 53 have been added, respectively, including appropriate language to overcome the previous 35 U.S.C. § 112 rejections. Accordingly, it is respectfully submitted that new claims 52 and 53 are in condition for allowance.

Claims 1, 27-43, and 49-51 were rejected variously under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Respectfully, this objection is now moot in view of amended claims 1, 39, 41, and 49 (claim 36 has been cancelled, see above). Accordingly, withdrawal of the rejections is respectfully requested.

Claims 1 and 28-30 were rejected under 35 U.S.C. 102(e) as being unpatentable by Guelck (U.S. Patent No. 6,679,001). Respectfully, applicant now believes the rejections moot in view of the amendments to claim 1. Amended claim 1 now states, in pertinent part, "wherein the pivoting window sash further includes a sash rail and a sash stile, said upper latch member being at least partially disposed within the sash rail and said anti-bow latch member being at least partially disposed within the sash stile, operation of the activating member retracting said upper latch member and said anti-bow latch member generally at the same time." Amended claim 1 further states, "both of said upper latch member and said anti-bow latch member are independently engageable with the slide channel of the window frame," and "wherein each of the horizontal linking member and the vertical linking member include a flexible element adapted to support a tensile force, but not generally adapted to support a compressive force." Guelck does not disclose such structure.

In distinction, Guelck describes a window system having a single locking device (50) attached to a side (42) of a window sash (40). The single locking device (50) is

movable between an unlocked position and a locked position to permit tilting of the window sash (40). A screw (52) is connected to an activating member (56, referred to as a "latch" in the reference) for moving the locking device (50) between the locked and unlocked positions.

Conversely, the window assembly of the instant application includes an upper latch member (40) and a separate, independent anti-bow latch member (60), both of which are operable through actuation of an activating member (10). The language stating the location of the anti-bow latch member (e.g., "an anti-bow latch member disposed between the pivoting end of the window and said upper latch member") necessitates two separate latch members because a single latch member cannot be disposed between itself and a window structure. Additionally, the window assembly includes a horizontal linking member and a vertical linking member each formed of a flexible element, such as a cable 630, tape member 730, or the like, that is adapted to support a tensile force, but not generally adapted to support a compressive force. Thus, upon actuation of the activating member (10), a pulling (e.g., a tensile force) can be applied to the horizontal and/or vertical linking members to actuate each of the upper latch member (40) and the anti-bow latch member (60).

In distinction, Guelck does not disclose any such structure. Instead, Guelck merely discloses a screw (52) connected to the single locking device (50). The term "screw" is not more specifically defined in the reference. Thus, as generally accepted, a screw is a rigid, non-flexible element that is able to support both a tensile and a compressive force. Additionally, use of the term "screw" in the Guelck patent appears to support this interpretation. As such, the Guelck reference does not disclose any structure corresponding to a horizontal and/or vertical linking member formed of a flexible element.

Thus, Guelck does not disclose every limitation required by amended claim 1, notably "wherein the pivoting window sash further includes a sash rail and a sash stile, said upper latch member being at least partially disposed within the sash rail and said anti-bow latch member being at least partially disposed within the sash stile, operation of the activating member retracting said upper latch member and said anti-bow latch member generally at the same time." Similarly, Guelck does not disclose "wherein each of the horizontal linking member and the vertical linking member include a flexible element adapted to support a tensile force, but not generally adapted to support a compressive force." Accordingly, it is respectfully submitted that amended claim 1 is now in condition for allowance. Withdrawal of the rejection is respectfully requested.

Additionally, because claims 28, 32-35, and 37-39 depend directly or indirectly from amended claim 1, it is respectfully submitted that claims 28, 32-35, and 37-39 are also now in condition for allowance.

Claims 27, 31, 33, 37, 38, 41-43, and 49-50 were rejected under 35 U.S.C. 103(a) as being unpatentable by Guelck (U.S. Patent No. 6,679,001) in view of Morse (U.S. Patent No. 5,398,447). As an initial matter, claims 27 and 31 have been cancelled. Additionally, the rejections pertaining to claims 33, 37, and 38 are now respectfully believed moot in view of the amendments to claim 1 for the reasons discussed above. Further, regarding claims 41-43 and 49-50, Applicant now believes these rejections moot in view of the amendments to claim 41 and 49, respectively.

Amended claim 41 states, in pertinent part, "wherein said operating mechanism further includes a horizontal linking member at least partially disposed in the horizontal sash rail and connected to both of said upper latch member and said activating member; and a vertical linking member at least partially disposed in the vertical sash stile and connected to both of said anti-bow latch member and at least one of said activating member, said horizontal linking member, and said upper latch member." Amended claim 41 further states "wherein each of the horizontal linking member and the vertical linking member include a flexible tape member," and "wherein said pivoting window sash further includes an L-shaped track, the vertical linking member being disposed within the L-shaped track." Neither Guelck nor Morse disclose, teach, or suggest such structure.

In distinction, Morse discloses a method of using a centrally located window release retractor handle for operation of left and right window release retractors such that as the handle is rotated, the window release retractors are drawn inwardly. However, Morse does not disclose, teach or suggest additional anti-bow latch members for operation via the window release retractor handle. Similarly, Morse does not disclose, teach, or suggest a vertical linking member at least partially disposed in the vertical sash stile, or that each of the horizontal linking member and the vertical linking member include a flexible tape member. Finally, because of the lack of a vertical linking member, Morse does not disclose, teach, or suggest any form of an L-shaped track. Moreover, as discussed previously herein, Guelck does not disclose, teach, or suggest a flexible tape member or use of an L-shaped track.

Conversely, in the instant application, the activation member (10) is operatively connected by way of horizontal and vertical linking members for retracting one or both of the upper latch members 40 and/or one or both of the anti-bow latch members 60. Various operating mechanisms are discussed in the specification. See, for example,

paragraphs [0039] – [0042] and Figures 5A – 5D. In one example, as shown in Figure 5D, the horizontal and vertical linking members are illustrated as including a flexible tape member 730 disposed within an L-shaped track 733.

Thus, neither Guelck nor Morse discloses, teaches, or suggests every limitation required by amended claim 41, notably “wherein said operating mechanism further includes a horizontal linking member at least partially disposed in the horizontal sash rail and connected to both of said upper latch member and said activating member; and a vertical linking member at least partially disposed in the vertical sash stile and connected to both of said anti-bow latch member and at least one of said activating member, said horizontal linking member, and said upper latch member,” or “wherein each of the horizontal linking member and the vertical linking member include a flexible tape member,” or “wherein said pivoting window sash further includes an L-shaped track, the vertical linking member being disposed within the L-shaped track.” Accordingly, it is respectfully submitted that amended claim 41 is now in condition for allowance. Withdrawal of the rejection is respectfully requested.

Additionally, because claim 43 depends directly from amended claim 41, it is respectfully submitted that claim 43 is also now in condition for allowance.

Amended claim 49 states, in pertinent part, “a first vertical linking member for connecting said first horizontal linking member with said first anti-bow latch member, said first vertical linking member being disposed within a first curved track,” and “a second vertical linking member for connecting said second horizontal linking member with said second anti-bow latch member, said second vertical linking member being disposed within a second curved track.” Amended claim 49 further states “wherein each of said first horizontal linking member, second horizontal linking member, first vertical linking member, and second vertical linking member include a flexible tape member,” and “wherein actuation of said single activating member causes all of said latch members to move from the extended position to the retracted position generally simultaneously.” Neither Guelck nor Morse disclose, teach, or suggest such structure.

In distinction, as discussed above, Morse merely discloses a method of using a centrally located window release retractor handle for operation of left and right window release retractor, but does not disclose, teach or suggest additional anti-bow latch members for operation via the window release retractor handle, or a vertical linking member at least partially disposed in the vertical sash stile, or that each of the horizontal linking member and the vertical linking member include a flexible tape member. Finally, because of the lack of a vertical linking member, Morse does not disclose, teach, or

suggest any form of a first and second track. Moreover, as discussed previously herein, Guelck does not disclose, teach, or suggest a flexible tape member or use of a first and second track.

Thus, neither Guelck nor Morse discloses, teaches, or suggests every limitation required by amended claim 41, notably "a first vertical linking member for connecting said first horizontal linking member with said first anti-bow latch member, said first vertical linking member being disposed within a first curved track," and "a second vertical linking member for connecting said second horizontal linking member with said second anti-bow latch member, said second vertical linking member being disposed within a second curved track," or "wherein each of said first horizontal linking member, second horizontal linking member, first vertical linking member, and second vertical linking member include a flexible tape member," or "wherein actuation of said single activating member causes all of said latch members to move from the extended position to the retracted position generally simultaneously." Accordingly, it is respectfully submitted that amended claim 49 is now in condition for allowance. Withdrawal of the rejection is respectfully requested.

Claims 33-35, 37-38, 44-48, and 51 were rejected under 35 U.S.C. 103(a) as being unpatentable by Guelck (U.S. Patent No. 6,679,001) in view of Kelley et al. (U.S. Patent No. 6,887,784). As an initial matter, the rejections pertaining to claims 33-35, 37-38 are now respectfully believed moot in view of the amendments to claim 1 for the reasons discussed above. Further, regarding claims 44-47 (claim 48 has been cancelled) and 51, Applicant now believes these rejections moot in view of the amendments to claim 44 and 51, respectively.

Amended claim 44 states, in pertinent part, "actuation of said activating member disengaging both of said first upper latch member and said first anti-bow latch member from the first slide channel of the window frame generally at the same time," and "wherein each of the horizontal linking member and the vertical linking member include a flexible tape member," and "wherein said first vertical linking member is operationally connected to said activating member via said first horizontal linking member." Neither Guelck nor Kelley et al. disclose, teach, or suggest such structure.

In distinction, Kelley et al. discloses a method of using a centrally located window release retractor handle for operation of left and right window release retractors such that as the handle is rotated, the window release retractors are drawn inwardly. However, Kelley et al. does not disclose, teach or suggest additional anti-bow latch members for operation via the window release retractor handle. Similarly, Kelley et al.

does not disclose, teach, or suggest that a horizontal linking member and a vertical linking member each include a flexible tape member, or that a vertical linking member is operationally connected to the activating member via a horizontal linking member. Moreover, as discussed previously herein, Guelck does not disclose, teach, or suggest a flexible tape member or operational connection of a vertical linking member with an activating member via a horizontal linking member.

Conversely, in the instant application, the activation member (10) is operatively connected by way of horizontal and vertical linking members for retracting one or both of the upper latch members 40 and/or one or both of the anti-bow latch members 60. Various operating mechanisms are discussed in the specification. See, for example, paragraphs [0039] – [0042] and Figures 5A – 5D. In one example, as shown in Figure 5D, the horizontal and vertical linking members are illustrated as including a flexible tape member 730 disposed within an L-shaped track 733.

Thus, neither Guelck nor Kelley et al. discloses, teaches, or suggests every limitation required by amended claim 44, notably “actuation of said activating member disengaging both of said first upper latch member and said first anti-bow latch member from the first slide channel of the window frame generally at the same time,” or “wherein each of the horizontal linking member and the vertical linking member include a flexible tape member,” or “wherein said first vertical linking member is operationally connected to said activating member via said first horizontal linking member.” Accordingly, it is respectfully submitted that amended claim 44 is now in condition for allowance. Withdrawal of the rejection is respectfully requested.

Additionally, because claims 45-47 depend directly or indirectly from amended claim 44, it is respectfully submitted that claims 45-47 are also now in condition for allowance.

Amended claim 51 states, in pertinent part, “a first anti-bow latch member disposed on the first side of the pivoting window sash between the pivoting end and movable to at least an extended position independently of the first upper latch member,” and “a second anti-bow latch member disposed on the second side of the window between the pivoting end and movable to at least an extended position independently of the second upper latch member.” Amended claim 51 further states “wherein each of the first and second vertical linking members include a flexible tape member,” and “wherein actuation of said first activating member causes a tensile force to be applied to the first vertical linking member to thereby cause the first anti-bow latch member to be moved to the retracted position,” and “wherein actuation of said second activating member causes

a tensile force to be applied to the second vertical linking member to thereby cause the second anti-bow latch member to be moved to the retracted position." Neither Guelck nor Kelley et al. disclose, teach, or suggest such structure.

In distinction, as discussed above, Kelley et al. discloses a method of using a centrally located window release retractor handle for operation of left and right window release retractors such that as the handle is rotated, the window release retractors are drawn inwardly. However, Kelley et al. does not disclose, teach or suggest additional anti-bow latch members for operation via the window release retractor handle. Moreover, Kelley et al. does not disclose, teach or suggest a first anti-bow latch member located on a first side of the window, and a second anti-bow latch member located on a second side of the window. Similarly, Kelley et al. does not disclose, teach, or suggest that first and/or second vertical linking members each include a flexible tape member, or actuation of a first activating member causes a tensile force to be applied to the first vertical linking member, or similarly actuation of a second activating member causes a tensile force to be applied to the second vertical linking member. Moreover, as discussed previously herein, Guelck does not disclose, teach, or suggest a flexible tape member or application of tensile forces to either of a first or second vertical linking member.

Thus, neither Guelck nor Kelley et al. discloses, teaches, or suggests every limitation required by amended claim 51, notably "wherein each of the first and second vertical linking members include a flexible tape member," or "wherein actuation of said first activating member causes a tensile force to be applied to the first vertical linking member to thereby cause the first anti-bow latch member to be moved to the retracted position," or "wherein actuation of said second activating member causes a tensile force to be applied to the second vertical linking member to thereby cause the second anti-bow latch member to be moved to the retracted position." Accordingly, it is respectfully submitted that amended claim 51 is now in condition for allowance. Withdrawal of the rejection is respectfully requested.

If there are any further fees required by this communication, please charge such fees to our Deposit Account No. 16-0820, Order No. RGM-34342.

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Respectfully submitted,
PEARNE & GORDON LLP

By: /Bryan M. Gallo/
Bryan M. Gallo, Reg. No. 59814

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

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